IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

**Crl.Rev.Pet.No. 4194 of 2006(E)**

C.C.NO.643/2003 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, AMBALAPUZHA.
CRL.A.NO.565 OF 2005 OF THE COURT OF SESSIONS JUDGE, ALAPPUZHA.

REVN. PETITIONER: APPELLANT:ACCUSED:
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ABDUL LATHEEF, S/O.UMMER KUTTY,
AGED 46 YEARS, NOOR MANZIL,
VELLAKINAR WARD, ALAPPUZHA.

BY ADV. SRI.J.KRISHNAKUMAR

RESPONDENTS: RESPONDENTS: STATE & COMPLAINANT:
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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. P.RATHEESAN, AGED 44 YEARS, PADMALAYAM, KARUMADY, ALAPPUZHA.

R1 BY PUBLIC PROSECUTOR SRI.KAMMAPPU
R2 BY ADV. SRI.JIJO JOSEPH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.T. SANKARAN, J.**

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**Crl.R.P.NO. 4194 OF 2006**

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**Dated this the 28th day of November,2006**

**O R D E R**

The petitioner was convicted under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for six months and was directed to pay a sum of Rs.1,50,000/- as compensation to the complainant. On appeal by the accused, the Appellate Court confirmed the conviction. However, the sentence was modified and reduced to simple imprisonment for a period of one month and to pay a compensation of Rs.1,50,000/- and in default of payment of compensation, to undergo simple imprisonment for a period of three months.

2. Crl.M.A. No.12050 of 2006, signed by the complainant and the accused and their counsel, filed under Section 147 of the Negotiable

Instruments Act has been allowed.

3. In the result, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

**(K.T.SANKARAN)**
**Judge**

ahz/

**K.T. SANKARAN, J.**

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**Crl.M.A.NO. 12050 OF 2006**

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**Dated this the 28th day of November,2006**

**O R D E R**

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the second respondent/ complainant. It is stated that the matter is settled between the parties. Hence the application is allowed.

**(K.T.SANKARAN)**
**Judge**

ahz/

**K.T. SANKARAN, J.**

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**Crl.M.A.NO. 12082 OF 2006**

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**Dated this the 28th day of November,2006**

**O R D E R**

This is an application for condonation of the delay of 193 days in filing the Revision. The petitioner is now undergoing imprisonment. The affidavit is sworn to by the wife of the revision petitioner. The disputes between the petitioner/ accused and the complainant have been settled and an application is filed under Section 147 of the Negotiable Instruments Act. In these circumstances, the delay is condoned. Number the application as well as the Revision.

**(K.T.SANKARAN)**
**Judge**

ahz/